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Advancement of women

Violence against women migrant workers

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 56/131 of 19 December 2001, the present report provides information on measures taken by Member States and activities undertaken by organizations of the United Nations system and other intergovernmental bodies in the area of violence against women migrant workers. The report concludes with a series of recommendations for future action.

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I. Introduction

1. In its resolution 56/131 of 19 December 2001, on violence against women migrant workers, the General Assembly urged Governments to strengthen further their national efforts to protect and promote the rights and welfare of women migrant workers, including through sustained bilateral, regional, interregional and international cooperation and by developing strategies and joint action. The Assembly put forward detailed recommendations to prevent violence against women migrant workers, to punish perpetrators and to support victims of such violence.

2. The General Assembly requested the Secretary-General to submit to it at its fifty-eighth session a report on the problem of violence against women migrant workers and on the implementation of resolution 56/131,[1] taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization (ILO), the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW), as well as the International Organization for Migration (IOM) and other relevant sources, including non-governmental organizations (NGOs).

3. The present report is submitted in accordance with that request based, inter alia, on information received from Member States and entities of the United Nations system. Information about actions taken by intergovernmental and expert bodies on this subject is also included.

II. Measures taken by Member States

4. As at 6 June 2003, 29 Member States, Austria, Barbados, Belarus, Burkina Faso, Cyprus, Colombia, Denmark, El Salvador, Finland, Germany, Italy, Jamaica, Kyrgyzstan, Kuwait, Qatar, Lebanon, Malaysia, Mexico, Myanmar, Morocco, Norway, Oman, Portugal, the Russian Federation, Senegal, Spain, New Zealand, Thailand and Ukraine, had responded to the Secretary-General's request for information relating to the implementation of General Assembly resolution 56/131. They provided statistical data and information about forms of violence suffered by women migrant workers, as well as information about legal and support measures available to them.

Statistical data and information

5. Finland noted that, at the end of 2002, 103,700 foreign nationals resided in the country, about half of whom were women. The unemployment rate of foreign migrants was estimated at 27 per cent at the end of November 2002, and the unemployment rate of foreign migrant women was higher than that of men. The Russian Federation reported that, from January to October 2002, 2,697 Russian teenage girls and young women under 30 years of age had been placed by Russian licensed agencies in jobs abroad. Kyrgyzstan reported that women accounted for 57 per cent of people migrating into, and 55 per cent of people emigrating out, of the country, which was evidence of the greater mobility of women compared to men.

6. Jamaica provided information on women working abroad in Canada, the United States of America and at the United States Naval Base at Guantanamo Bay.

Approximately 14,000 workers migrated annually from Jamaica to work in these locations, through the Canadian programme (0.2 per cent female participants), the United States hotel workers programme (63 per cent female participants), the United States Naval Base (6 per cent female participants) and the United States farm workers programme (in which no Jamaican woman participated). Barbados noted that in 2001, 78 female workers participated in the seasonal agricultural programme to Canada as compared to 94 in 2002. Thirty-two female workers participated in the hotel workers programme to the United States in 2001, as compared to 20 in 2002.

7. Mexico reported that, between 1998 and 2002, 6.8 per cent of the annual average of 320,000 Mexican migrants who returned home from the United States were women. Forty-four per cent of these women were between 12 and 24 years old, and 58 per cent had completed at least one year of secondary education.

8. Malaysia noted that the incidence of violence against women migrant workers, in particular domestic maids, was relatively low compared to the total number of migrant maids. For instance, in 2002, a total of 56 cases of such violence had been reported against a total number of 164,211 migrant maids. Noting that it was a country of transit for illegal migrants, including women, Ukraine reported that, in 2002, its law enforcement organs had detained approximately 28,000 illegal migrants. In 2002, more than 400 women victims of trafficking, 28 of them minors, had been located and returned to Ukraine.

Forms of violence

9. Myanmar reported that violence against women migrant workers was not an issue in the country, but that there were cases of abuse and acts of violence against its citizens abroad, especially its women citizens engaged as migrant workers. El Salvador stated that migrant women were particularly vulnerable to psychological pressure and were also exposed to physical and sexual abuse when travelling, in camps and in destination countries. New Zealand reported that a substantial number of women in the country, including migrant women, were affected by partner abuse.

10. Several Member States, including Colombia, Cyprus, El Salvador, Denmark, Germany, Italy, Norway, Spain, Thailand and Ukraine, reported the existence of trafficking in women and girls. Italy stated that sexual exploitation of victims of trafficking was a form of violence against women migrant workers. Ukraine noted that violence against women was closely linked to trafficking in persons and illegal migration and that these phenomena were assuming a threatening scale throughout the region.

11. El Salvador reported that it was common for people who took the risk of illegal migration to the United States to use the services of traffickers. In most cases, such would-be migrants were ill-treated along the way, detained by border patrols and, in the worst cases, died. Most of the recorded cases involved women seeking passage to the United States, where, in addition to paying huge sums of money to traffickers, they were subjected to sexual abuse. Spain reported that there had been an increase in illegal migrant women forced to engage in prostitution in order to pay debts related to the costs of transport into the country.

Legal measures

International obligations

12. As of 6 June 2003, 21 States had ratified or acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention will enter into force on 1 July 2003. Of the Member States reporting, Colombia, El Salvador, Mexico, Morocco and Senegal have ratified the Convention. Burkina Faso reported that it had initiated the process of ratification. Several Member States also indicated their adherence to other international and regional human rights instruments, which contained provisions relevant to women migrant workers, including the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, both supplementing the United Nations Convention against Transnational Organized Crime. At the present pace of ratification, the International Convention is expected to enter into force during 2003 or early 2004, followed shortly thereafter by the entry into force of the above Protocols.

Domestic legal measures

13. Malaysia reported that articles 6 (1) and 6 (2) of the federal constitution and the penal code accorded to migrant workers, including women migrant workers, equal legal protection in respect of violence. Burkina Faso reported that its legislation condemned all forms of violence, including sexual violence, and that it applied to migrant workers. Moreover, women and girls were protected by the 1996 penal code, which punished crimes against the person, including violence. In Germany, women migrant workers enjoyed human rights protection as guaranteed by the constitution and, like everyone else, were protected by the provisions of the civil and penal law. El Salvador referred to the constitutional principle of legal equality and non-discrimination on the grounds of sex. The rights of women migrant workers were also protected through the Migration Act of 1958 and its Regulations of 1959, the Labour Code of 1972, and the act establishing the structure and functions of the labour and social security sector of 1996.

14. In Austria, protective measures for victims of domestic violence, including women migrant workers, had been considerably strengthened with the enactment of the Federal Act on Protection against Violence in the Family of May 1997. Under certain conditions, the perpetrator could be banned from the home and the immediate vicinity of the home, and could be forbidden from establishing any form of contact with the victim. In New Zealand, domestic violence was addressed through the Domestic Violence Act of 1995, which also covered migrants. The definition of domestic violence under this act was broad, incorporating physical, sexual and psychological abuse, including intimidation, harassment and threats.

15. In the Russian Federation, guarantees to protect the rights of women migrant workers were contained in article 21 of the constitution and in a federal law of 2002 on the legal status of aliens. According to article 18 of that law, employers needed the formal agreement of Government entities to recruit foreign workers, within the established quotas, and assumed responsibility for the accommodation and appropriate living and social standards of such workers. Article 240 of the Criminal Code of the Russian Federation established penalties for using violence or the threat

of violence, blackmail, destruction or damage of property to force persons into prostitution. In order to prevent the illegal job placement of Russian nationals abroad and to outlaw various types of abuse against them, the Russian Federation, through a decision of 2002, had established new licensing requirements and conditions in relation to job placements abroad.

16. Spain described legal provisions regulating the status of migrant workers, including a law of 2000, on the rights and liberties of migrants in Spain and their social integration. This law was based on the principles of equality and non-discrimination and applied, without distinction on grounds of sex, to foreigners living in the country. The same law recognized the right of resident foreigners' access to social security services under the same conditions of Spanish people. The right to basic social services was also guaranteed to undocumented foreigners. The Law on Foreigner Status assured maternity rights to all foreign pregnant women in the country. Access to social services to all immigrants, including those in irregular situations, was also guaranteed in Portugal, where legislation to regulate immigration and establish protection for immigrant women and men had been adopted in February 2003. Portugal addressed the issue of violence against women migrant workers in the context of violence against women in general.

17. Finland described legal provisions regulating the status of migrant workers, including: the Act on the Integration of Immigrants and the Reception of Asylum Seekers of 1999, aimed at promoting the integration, equality and freedom of choice of immigrants through measures to help them acquire the essential knowledge and skills needed to function in society; the Aliens Act of 1991; and the instructions of the Ministry of Labour concerning work permit statements of 2001. The work permit statement of the Ministry of Labour allowed for advance supervision, meaning that an expert assessment had to be made by the employment office concerning the appropriateness of the employee, the employer, the client or the employment relationship. Advance supervision was reported to efficiently eliminate violence towards women migrant workers. A new Aliens Act was under preparation, which would include proposals for enhancing the supervision of the terms of employment of foreign labour.

18. Qatar reported that, under a law of 1992, migrant workers entered the country under temporary contracts between the employer and offices licensed by the Ministry of Labour. It also reported that, in order to protect women workers, whether nationals or migrants, Qatar had devoted a separate chapter of a new draft law to the employment of women. This chapter would prohibit, inter alia, the employment of women in hazardous or strenuous work and work damaging to their health. Protection against employment in dangerous work was also guaranteed in Kuwait, through relevant articles of the Labour Code.

19. Lebanon stated that it had adopted several new measures and had strengthened existing measures to regulate the recruitment and employment of migrant workers and protect their rights. For example, agencies that brought workers into the country were obliged to find work for them through a contract that ensured decent employment relations. Such protection was further strengthened by the Lebanese Code of Obligations and Contracts, which stipulated that a contract was null and void if it did not reflect the true will of either party.

20. Belarus stated that, in conformity with its Act on External Labour Migration, the employment relationship with migrant workers was formalized in an

employment agreement (contract). The employment of migrant workers under conditions that diminished human dignity or caused harm to health was prohibited.

21. Mexico reported that progress was being made towards approval of draft legislation by the Chamber of Deputies, which would establish an office of the advocate general (ombudsman) for migrants, who would be responsible for defending the rights of internal migrants, immigrants and Mexican emigrants. An ombudsman for minorities had also been set up in Finland in 2001 as a way to promote good relations among ethnic groups in society and to monitor and enhance the status and rights of foreigners and ethnic minorities. Kuwait reported that, in order to provide greater protection and welfare for workers, a Supreme Advisory Committee had been established pursuant to a ministerial decision of August 1999.

22. The majority of Member States that provided information for the present report, including Austria, Colombia, Cyprus, Denmark, Germany, Italy, Kyrgyzstan, Norway, Spain, Thailand and Ukraine, also gave detailed descriptions of legislative measures aimed at combating trafficking in women and girls.[2]

Other measures of support

23. Mexico reported on the establishment of a mechanism to provide advice and ongoing support to migrants, especially women and children, and to receive complaints and reports concerning violation of their human rights. Work programmes to safeguard the human rights of migrants, regardless of their nationality or immigrant status, and to provide full legal and medical assistance to raped, battered or vulnerable women, especially those who were attacked by police, immigration or customs officials, had also been set up. In Portugal, the second National Plan on Gender Equality was being finalized. It addressed the question of migrants and ethnic and cultural minorities and included the promotion of women migrants' access to employment, education, professional training and health care. Moreover, the needs of women in migrant communities had been addressed in a seminar entitled "Migrant women — two faces of the same reality", organized by the Commission for Equality and Women's Rights in January 2003. Within this context, awareness-raising efforts were undertaken for officials dealing with migration issues and integration was pursued. Human rights education and training for police officers was also carried out in Germany in order to equip police officers with the necessary skills to handle the specific cases of women migrant workers who had been subjected to violence.

24. New Zealand provided information on its work permit and residence policies which had been changed in 2000 and 2001, respectively. Under these policies, women who were victims of domestic violence and met the criteria of the domestic violence policy could be granted three-month work permits. At the end of this period, women could apply for permanent residence as victims of domestic violence.

25. In Austria, centres for victims of violence in the family had been established to provide support to victims. The Government also supported several institutions in various Austrian provinces that offered counselling and support services to migrant women. Foreign women residing legally in the country and who could not be expected to continue living with an abusive spouse could obtain a work permit, provided that: the spouse had been convicted under criminal law; an interim injunction under the Protection from Violence Act had been issued by a court; or the marriage had been dissolved.

26. In El Salvador, the national policy on women aimed to establish mechanisms that guaranteed services in the emotional, psychological, medical and legal areas for victims of violence and sexual abuse with the participation of government agencies, NGOs, municipal agencies and the private sector. Moreover, the Government's Programme to Improve Family Relations provided social and legal assistance to victims of violence and social aggression, with the aim of promoting the integration and strengthening of the family.

27. Several Member States, including Belarus, Cyprus, Germany, Italy, Kyrgyzstan, Norway, Spain, Thailand and Ukraine informed the Secretariat of support measures available to women and girls who were victims of trafficking.

Prevention strategies

28. In Mexico, the National Institute for Migration had developed strategies on compliance with the human rights of migrants, with special emphasis on preventing abuse of women or minors for dissemination by the mass media. The Mexican Communities Abroad Programme of the Ministry of Foreign Affairs, in collaboration with the Ministry of Education and various departments of the educational sectors and their counterparts in the United States, coordinated programmes including programmes on education for migrant Mexican children, youth and adults.

29. Finland indicated that the Government's report on the implementation of the Integration Act had been completed in early 2002. The Government's guidelines took account of the need for the integration programme to also address violence against immigrant women and its prevention, and included a plan to train those working with women to recognize violence. The proposals for revising the Integration Act presented in the report were expected to be submitted to Parliament during 2003. Moreover, in order to prevent discrimination and racism, the Ministry of Labour was implementing the national action programme against racism as well as the action programme of the European Union against discrimination. Prevention of racial and ethnic discrimination measures were also carried out in Portugal, through partnerships among different organizations, including the Commission for Equality and Women's Rights.

30. In New Zealand, the Family Violence Prevention Strategy, published by the Ministry of Social Development, had been launched in 2002. It set out the Government's key goals and objectives, principles for future developments and a five-year implementation plan for maximizing progress towards the vision of a family-whānau[3] living free from violence.

31. Spain reported that the Women's Institute provided funding to NGOs for projects to prevent violence against women. In Cyprus, the immigration authorities provided all migrant workers who entered the country for legal employment, with a leaflet in six languages defining their rights and obligations. In Denmark, a project group had been set up to look at the possibility of revising the rules relating to domestic violence in the Government's action plan to stop violence against women, allowing the police to expel threatening parties from the common home.

32. Cyprus, Colombia, Germany, Kyrgyzstan, Portugal, Spain, Thailand and Ukraine provided information on measures undertaken to prevent trafficking in women and girls.

Bilateral and international cooperation

33. Mexico reported that it had signed bilateral agreements with the United States Immigration and Naturalization Service in order to guarantee an orderly and safe repatriation of Mexican women and girls from the United States. Qatar had concluded a number of bilateral agreements with countries of origin of migrant workers in an effort to regulate the employment of such workers. The stipulation of bilateral agreements on matters related to migration was also reported by Austria, El Salvador, Thailand and Ukraine. In order to safeguard the rights of women migrant workers, the Russian Federation reported that it had signed the Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms.

III. Measures taken within the United Nations system

34. Since the fifty-sixth session of the General Assembly, a number of bodies of the United Nations system have undertaken further work with respect to violence against women migrant workers. Their activities are summarized below.

A. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

35. At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in September 2001, States were urged to place special focus on gender issues, including gender discrimination, in particular when the multiple barriers faced by migrant women intersected, and to undertake detailed research in respect of human rights violations perpetrated against women migrants. It also urged States to consider adopting and implementing immigration policies and programmes that would enable immigrants, in particular women and children, who were victims of spousal or domestic violence, to free themselves from abusive relationships. The Conference called for the formulation and implementation of campaigns to sensitize citizens with respect to migrants and the challenges they faced. Public awareness was imperative to build positive attitudes, to recognize and value the work of migrants and to overcome racial and gender-based discrimination.

B. Commission on Human Rights

36. At its fifty-eighth session in 2002, the Commission on Human Rights addressed the situation of women migrants in several resolutions. In its resolution 2002/58, on violence against women migrant workers, the Commission called upon concerned Governments, in particular those of countries of origin and destination, to put in place sanctions to punish perpetrators of violence against women migrant workers, and to the extent possible, to provide victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelter and other measures that would allow them to be present during the judicial process, to safeguard their dignified return to the country of origin as well as to establish reintegration and rehabilitation schemes for returning women migrant workers. States concerned, specifically countries of origin and destination, were invited to consider adopting appropriate legal measures against intermediaries who

deliberately encouraged the clandestine movement of workers in violation of their human dignity. The Commission requested the Secretary-General to submit to it at its sixtieth session a comprehensive report on the issue.

37. In its resolution 2002/62, on the human rights of migrants, the Commission expressed concern at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world. It decided to extend the mandate of the Special Rapporteur on the human rights of migrants for a period of three years, and urged States to ratify or to adhere to the United Nations Convention against Transnational Organized Crime and its two protocols. In its resolution 2002/68, on racism, racial discrimination, xenophobia and related intolerance, the Commission called upon all States to review and revise, where necessary, their immigration laws and policies and practices so that they were free of racial discrimination and compatible with States' obligations under international human rights instruments. The Commission also adopted resolution 2002/54 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and resolution 2002/59 on the protection of migrants and their families.

38. At its fifty-ninth session in 2003, the Commission adopted resolution 2003/46, on the human rights of migrants, in which it encouraged States, in cooperation with NGOs, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk. The Commission also adopted resolution 2003/48, on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

C. Special Rapporteur of the Commission on Human Rights on the human rights of migrants

39. During the period under review, the Special Rapporteur of the Commission on Human Rights on the human rights of migrants expressed concern about the vulnerability of migrant women to abuses and violations of their human rights, including violence, racial discrimination and xenophobia in all phases of the migration process. She also stressed that migrant women were particularly vulnerable to trafficking by criminal networks. The Special Rapporteur paid particular attention to the situation of women migrant domestic workers. During the Regional Summit on Foreign Migrant Workers, held in Colombo, Sri Lanka, from 26 to 28 August 2002, the Special Rapporteur emphasized that, in addition to abuses and discrimination they faced because of their irregular status, their national origin and/or employment, women migrants were too frequently victims of violence, in particular of a sexual nature, at their place of work.

40. According to information received by the Special Rapporteur, examples abounded of cases in which female migrant domestic workers found themselves in precarious situations without access to the legal remedies or recourse to denounce abusive employers. When employers did not allow their domestic employees to leave their place of work, migrant domestic workers were deprived of any contact

with the outside world. This practice facilitated abuses, impeded migrants from denouncing their employers and prevented migrants from feeling integrated in their new country of residence.

41. During her visit to the border between Mexico and the United States, the Special Rapporteur was informed that trafficking in migrants was reaching serious proportions. Many of the victims were women from the poorest parts of Mexico who had been promised work as nannies or housemaids in the United States. The Special Rapporteur received information about trafficking networks that recruited migrants on false pretences to work in conditions approaching slave labour in farms or in factories in the United States. In the report on her visit to Mexico,[4] the Special Rapporteur described the situation of vulnerability of migrants to extortion, ill-treatment and sexual abuse by criminal gangs and smugglers. She also received complaints about the alleged involvement of a number of migration officials and/or police officers in such abuses.

42. During her visit to the Philippines,[5] the Special Rapporteur noted with concern the vulnerability of Filipino migrant women to sexual exploitation, trafficking and smuggling, especially those women recruited as entertainers or travelling as mail-order brides and domestic workers. The Government's measures in this regard, proved not to be effective in protecting the rights and dignity of women migrant workers against the illegal practices linked to the very profitable sex industry. However, the Special Rapporteur underlined the need to maintain and strengthen the Government's migration management and control mechanisms.

43. In her report[6] to the fifty-ninth session of the Commission on Human Rights, the Special Rapporteur emphasized that administrative measures to contain irregular migration, such as deprivation of liberty, were undertaken without due regard for the individual history of migrants. Often there were no specific provisions regarding the detention of pregnant women, which led to their detention under conditions that frequently violated their basic human rights and were detrimental to their physical and mental health. In this regard, the Special Rapporteur recommended that Governments consider the possibility of progressively abolishing all forms of administrative detention.[7]

44. The Special Rapporteur also participated in the Hemispheric Conference on Migration, held in Santiago in November 2002, where she spoke about the vulnerability of migrants to trafficking and smuggling and recommended measures to combat these phenomena from a human rights perspective.[8]

D. Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences

45. In her report to the fifty-ninth session of the Commission on Human Rights,[9] the Special Rapporteur of the Commission on violence against women, its causes and consequences addressed the issue of violence against migrant women. The report contained a detailed review of international, regional and national developments and best practices for ways and means of combating violence against women over the period from 1994 to 2003. The Special Rapporteur provided information on law reforms as well as programmes and policies taken by States to address and prevent violence against migrant women. She concluded that, despite the progressive and protective measures taken by some States, including mandatory

registration and insurance coverage, women migrant workers were increasingly in vulnerable situations and subjected to abuse. States were urged to ensure the full and effective enforcement of measures taken to protect women migrant workers, including preventive activities of illegal employment agencies.

E. Subcommission on the Promotion and Protection of Human Rights

46. At its twenty-sixth session in 2001, the Working Group on Contemporary Forms of Slavery of the Subcommission on the Promotion and Protection of Human Rights discussed the situation of migrant workers and domestic migrant workers.[10] It noted the difficult situation in which migrant workers, especially women and children, were living and the need to provide them with protection, with a view to ensuring their fullest human development and participation in the life of their community. It urged Governments to ensure that protective regulations governed the employment situation of migrants and provided for safe conditions of work. The Working Group raised similar issues at its twenty-seventh session in 2002.[11]

47. At its fifty-third session in 2001, the Subcommission on the Promotion and Protection of Human Rights adopted resolution 2001/11, on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in which it recommended that the Conference carefully consider the relationship between discrimination based on race and gender as well as address the treatment of migrants and victims of trafficking and the related phenomenon of xenophobia.

F. Human rights treaty bodies

48. In the period under review, some of the treaty bodies established under international human rights conventions addressed issues related to migration, including the enjoyment of human rights by migrant workers and their families, as well as the situation of trafficked women and children. However, the issue of violence against women migrant workers was taken up primarily by the Committee on the Elimination of Discrimination against Women.

49. When examining the initial report of Andorra[12] at its twenty-fifth session in 2001, the Committee on the Elimination of Discrimination against Women expressed concern about the situation of women migrant workers, in particular those who worked in the tourist industry, and urged Andorra to provide full details in its next report on the situation of migrant workers and on the enjoyment by women working in the tourist industry of the rights established under the Convention. When examining the initial and second periodic report of Singapore,[13] the Committee expressed concern that foreign domestic workers were prohibited from working during criminal proceedings against their employers and that this forced such workers to leave Singapore without waiting to receive compensation from them. The Committee recommended that Singapore lift the prohibition and take measures to enable domestic workers to give evidence against their employers before leaving the country. At the same session, the Committee expressed concern at the continuing discrimination against immigrant, refugee and minority women living in the Netherlands,[14] who suffered from double discrimination, based on sex and ethnic background.

50. At its twenty-seventh session in 2002,[15] the Committee expressed concern about the situation of migrant, refugee and minority women in Denmark, including discrimination in education and employment and about the gender-based discrimination and violence they experienced. The Committee urged Denmark to be proactive in its measures to prevent discrimination against migrant, refugee and minority women, both within their communities and in society at large, to combat violence against them, and increase their awareness of the availability of social services and legal remedies. When considering the fifth periodic report of Canada, at its twenty-eighth session in 2003,[16] the Committee urged the State party to implement fully the gender-based impact analysis and reporting requirements provided in the new Immigration and Refugee Protection Act with a view to eliminating remaining provisions and practices which still discriminated against immigrant women. At the same session, the Committee expressed concern about the multiple discrimination faced by migrant, refugee and minority women in Norway with respect to access to education, employment and health care and exposure to violence, and recommended that Norway, inter alia, include a gender dimension in legislation against ethnic discrimination.[17]

51. Similar concerns were expressed when the Committee considered the combined initial and second periodic reports of Switzerland. In particular, the Committee was concerned about the particular situation of foreign women who experienced domestic violence and whose residence permits depended on their living together with their spouse. The Committee therefore recommended that revocation of the temporary residence permits of foreign married women who experienced domestic violence, and any legislative changes with regard to residency requirements be undertaken only after a full assessment of the impact of such measures on those women.[18]

52. In its concluding observations on Italy, adopted at its fifty-ninth session in 2001,[19] the Committee on the Elimination of Racial Discrimination took note of the high number of women in the immigrant labour force engaged in domestic work and, aware of the possibility that they might easily be exploited, recommended that Italy take all appropriate measures to reduce that risk.

53. In its concluding observations on Mali, adopted at its seventy-seventh session in 2003,[20] the Human Rights Committee expressed concern about the situation of migrant girls leaving the countryside for the towns to work as servants, who were often victims of rape and ill-treatment. The Committee recommended, inter alia, that Mali intensify its efforts to punish those responsible for the exploitation of migrant girls and adopt and develop appropriate complaint and protection mechanisms.

IV. Other activities taken by entities within the United Nations system

54. A number of entities within the United Nations system provided information on their activities regarding violence against women and women's migration.

A. Economic Commission for Africa

55. The Economic Commission for Africa continued to work in close collaboration with the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children on issues related to violence against women, including women migrant workers. The Committee participates in the annual campaign, 16 Days of Activism Against Gender Violence, and its national committees and affiliates execute different activities in the campaign to end violence against women.

B. Economic Commission for Latin America and the Caribbean

56. In November 2002, the Economic Commission for Latin America and the Caribbean, in collaboration with IOM, organized the Hemispheric Conference on International Migration: Human Rights and Trafficking in Persons in the Americas. The Conference aimed at fostering an integral vision of migration. The subject of women migrant workers was discussed in different panels and the Women and Development Unit of the Commission presented a document entitled "Trata de Mujeres: Conexiones y Desconexiones entre Género, Migración y Derechos Humanos".

C. United Nations Division for the Advancement of Women

57. In November 2002, the United Nations Division for the Advancement of Women, in collaboration with the United Nations Office on Drugs and Crime, organized an expert group meeting on "Trafficking in Women and Girls" in Glen Cove, United States of America. The expert group meeting discussed good practices and adopted a number of recommendations to combat trafficking in women and girls from a gender and human rights perspective. Recommendations also addressed the issue of safe migration. In particular, the meeting recommended that Governments: regulate employment and travel agencies and develop mechanisms for accountability, including those that ensure safe living and working conditions compatible with human respect and dignity; conclude bilateral and regional agreements that provide protection of immigrant workers, especially women; and build women's and children's capacity to deal with potential exploitation through pre-departure gender and rights-based orientation training, distribution of information on safe migration, public service advertisements, radio, television, print media and the establishment of hot lines.

58. The results of the expert group meeting were presented to the forty-seventh session of the Commission on the Status of Women in March 2003, which considered the theme "Women's human rights and the elimination of all forms of discrimination against women as defined in the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly". They were also presented to the twelfth session of the Commission on Crime Prevention and Criminal Justice in May 2003, which held a thematic discussion on "Trafficking in human beings, especially women and children".

D. United Nations Centre for International Crime Prevention

59. The responsibilities of the United Nations Centre for International Crime Prevention and its Office on Drugs and Crime for matters related to crime prevention and criminal justice include the issue of violence in general, as well as in the context of specific categories of victims such as women migrant workers. Such problems can be addressed both through reactive measures, such as the enactment and enforcement of appropriate criminal offences to deter violence, as well as proactive measures directed at the alleviation of social, economic and other conditions which produce violence. Subject to the availability of resources, the Centre advises Governments about possible domestic measures in these areas.

E. United Nations Development Programme

60. UNDP has initiated studies and consultations in India on the vulnerability of migrants to HIV/AIDS, and is working with its civil society partners and women migrant workers and other marginalized communities, through community-based models for empowerment, to reduce their vulnerabilities through the facilitation of informed choices.

61. In Pakistan, upon the request of the Ministry of Women Development and Social Welfare and Special Education, UNDP has produced two policy documents to be used by the Government of Pakistan on the issues of violence against migrant women and trafficking. These documents cover general and specific implementation requirements for Pakistan and refer to Commission on Human Rights resolution 2000/54 on violence against women migrant workers and the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

F. United Nations Development Fund for Women

62. In 2001, UNIFEM launched a regional programme in Asia to empower women migrant workers by helping to create an enabling policy and an institutional and socio-economic environment to ensure women's equal access to opportunities, resources and benefits at all stages of the migration process. The programme focuses on poor women migrating legally overseas as domestic workers. Countries covered include Nepal, Indonesia and the Philippines as source sites and Jordan as a destination country. The programme is being implemented within the context of increasing migration for work in the region; changing trends in overseas migration (a new feature being its feminization); the recruitment of women primarily into lower skilled jobs in the informal manufacturing and service sector, where they suffer gross human rights violations; and the qualitative difference in the migration experience of men and women, circumscribed by class, ethnicity, nationality and gender inequities.

63. In Latin America, given similar trends towards the feminization of migration, UNIFEM is supporting the building of a knowledge-base on the current migratory processes that affect women, their causes and consequences, with a view to informing policy-making. In its first phase, it is specifically examining Ecuador and Peru as sending countries and Chile and Argentina as recipient countries. UNIFEM expects to expand this work to Central America, Mexico and the Caribbean at a later stage.

G. International Research and Training Institute for the Advancement of Women

64. Building on its earlier work on temporary migration of women in Bangladesh and Sri Lanka, INSTRAW initiated the compilation of resources on the subject that may be accessed through the INSTRAW online database.

H. International Labour Organization

65. The rights of men and women workers, and of migrant women and girls in particular, are protected by a comprehensive set of ILO conventions and recommendations. The principles and rights embedded in these conventions were reaffirmed by the ILO Declaration on Fundamental Principles and Rights at Work, and in its follow-up (1998), which stated that special attention had to be paid to the situation of migrant workers.

66. ILO's activities to protect women migrant workers against discrimination, violence and abuse concentrate on assisting countries in policy formulation, and in establishing or strengthening legislation, administrative measures, structures and practices for the effective management of labour migration. A main focus in ILO's work is to improve the knowledge base concerning working conditions, recruitment and employment practices of migrant workers.

67. During the period under review, ILO carried out studies on the treatment of migrant domestic workers in Costa Rica, Bahrain, Lebanon and Kuwait. The aim of the research was to assess the working conditions of domestic helpers, identify problems and determine the factors contributing to their vulnerability, including recruitment and employment practices. The Special Action Programme to Combat Forced Labour, which had been established by ILO as a follow-up to the Global Report on the elimination of all forms of forced or compulsory labour (2001), implemented projects on the eradication of trafficking and forced migration in several countries of south-east Europe and Ukraine.

68. A tripartite general discussion of men and women migrant workers, including their vulnerability to discrimination, violence and abuse, will be held in June 2004 during the International Labour Conference. An information guide on women migrant workers, containing case studies on good practices on 11 member countries, is under preparation. The guide is intended to assist and enhance the efforts of government agencies, workers' and employers' organizations as well as NGOs, in both sending and destination countries, to improve the situation of female migrants and to protect them against discrimination, exploitation and abuse, including trafficking.

I. Food and Agricultural Organization of the United Nations

69. Although the activities of FAO do not specifically focus on violence against female migrants, one of the aims of FAO's work on rural demographic change and food security, rural poverty, gender and sustainable development is to promote policies and programmes that support rural livelihoods and encourage investment in rural areas. Such interventions aim to improve the conditions under which rural-

urban migration, both within countries and across borders, takes place and also to reduce the risks (economic, health, social, including violence against women) associated with population mobility. FAO's activities to mitigate the impact of rural-urban migration focus on improving knowledge about migrant workers. Particular attention is paid to corrective measures to address prevailing discriminatory wage systems; on disaggregating data by sex in agricultural censuses and surveys; and on the non-household labour force, in particular seasonal work. In 2002, FAO, in collaboration with the World Food Programme (WFP), published a "Passport for Gender Analysis" on the six phases of the emergency cycle as a tool for analysing, preventing and addressing conditions that could lead to violence and discrimination against women in situations of conflict, famine and natural disasters, which may be more conducive to violence against women.

J. United Nations Educational, Scientific and Cultural Organization

70. In its work, UNESCO promotes respect for the human rights of migrants and their integration into society. In recent years, UNESCO has brought increasing attention to the issue of exploitative migration of women and children. It has contributed to the global effort in combating violence against women migrant workers by: conducting data collection through its UNESCO trafficking statistics project and policy-oriented research on the structural dimensions of exploitative migration to serve as basis for comprehensive strategies; collecting and disseminating best practices in combating exploitative migration of women and children among sending, transit and destination countries, for better policy formulation; and promoting policy dialogue among researchers, decision makers, international organizations and representatives of civil society in order to foster joint actions to protect women and children migrants at local, regional and international levels. UNESCO is carrying out several projects on migration issues to support its research and data collection, including a project on urban poverty alleviation among young and female migrants, which is being implemented in China, Cambodia and the Lao People's Democratic Republic. The project aims to contribute to a better understanding of rural-urban migration and to poverty reduction among, and social reintegration of, young and women migrants.

V. Other intergovernmental bodies

International Organization for Migration

71. A key element in the gender policy of IOM is recognition of the feminization of international migration, that is, the trend towards women increasingly being independent actors in the migration process, especially as labour migrants. In this context, women face greater risks of gender-based violence, including trafficking and other rights abuses. IOM has thus placed special emphasis on prevention of such abuses through multimedia public information campaigns in countries of origin aimed at potential women migrants. These campaigns seek to raise consciousness of the realities of migration as well as ways potential women migrants can recognize and address the challenges they may face. IOM also works with Governments and NGO partners to provide practical pre-departure training for migrant women. The most recent example of the latter began in the Philippines in June 2003: the training

programme, entitled "The Power to Choose — a Guide for Women Migrant Workers", used both videos and printed materials, which remain in the possession of the migrants after the course is completed.

VI. Conclusions and recommendations

72. **Violence against women migrant workers remains an issue of concern of Member States and entities of the United Nations system. Various measures to address violence against women migrant workers have been undertaken in a number of countries, including legislative changes to protect women from all forms of violence, promote women's access to social security services and ensure that women migrant workers do not suffer discrimination in employment-related matters. Prevention strategies, including education interventions and economic empowerment approaches targeted at potential women migrant workers, have been carried out in various countries of origin. The practices of recruitment agencies have been regulated and human rights training and sensitization workshops for police officers and different agents dealing with migrants or victims of violence have been undertaken in a number of countries. Ombudsman offices have also been created in order to defend the rights of migrants, and rehabilitation and reintegration programmes for migrants who are victims of violence have been set up. Moreover, a number of countries of origin and destination have concluded bilateral agreements to ensure the safe repatriation of migrants and to regulate the employment of workers. However, information on the impact of such measures remains limited. Intergovernmental and expert bodies have continued to refine and expand their attention to take in the situation of women migrant workers, putting forward a broad range of recommendations for action by Governments and other stakeholders. Although progress has been achieved in some areas, efforts should be continued and expanded, particularly in the areas of legislation, access to social services, prevention, awareness and training.**

73. **The lack of comprehensive and timely data on the number of women migrants and, in particular, on the violence and discrimination they suffer, remains an obstacle to understanding the scale of the phenomenon, making it more difficult to design appropriate policies to combat such violence and discrimination. Further efforts are therefore needed to improve the knowledge base in this area.**

74. **In order to more effectively prevent and eliminate violence against women migrant workers, the impact of legislative and other measures, including the impact of support measures for migrant women who are victims of domestic violence, need to be assessed more systematically and relevant information on lessons learned and good practices widely shared. Information is also needed on the gender-specific impact of labour and immigration legislation, especially in respect of the enjoyment by women migrant workers of the full range of human rights.**

75. **Efforts are needed to improve access to legal protection for women seeking to migrate in order to work, so as to reduce their vulnerability to exploitation, ill-treatment and trafficking.**

76. **Of particular importance is the need to further explore the link between migration and trafficking and to address the two issues accordingly, with a particular focus on the need to protect women from all forms of violence,**

irrespective of their immigrant status. Governments and other actors should be encouraged to provide information on the reflection of this link in their legislative and other measures. Other actors, especially relevant entities of the United Nations system and of civil society, should also be encouraged to place enhanced emphasis on this link.

77. **Governments should be encouraged to ratify the international instruments dealing with migration issues, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and its two Protocols and all relevant ILO conventions. Moreover, the Special Rapporteurs of the Commission on Human Rights on the human rights of migrants and on violence against women, its causes and consequences, and all the international human rights treaty bodies, should be invited to continue to pay particular attention to the situation of women migrant workers.**

Notes

[1] See A/56/329.

[2] The report of the Secretary-General on trafficking in women and girls, mandated by General Assembly resolution 57/176 of 18 December 2002, will be submitted to the fifty-ninth session of the General Assembly.

[3] *Whanau* refers to "family group" in the Maori community.

[4] E/CN.4/2003/85/Add.3 and Corr.1.

[5] E/CN.4/2003/85/Add.4.

[6] E/CN.4/2003/85.

[7] Ibid., para. 74.

[8] Ibid., para. 11.

[9] E/CN.4/2003/75/Add.1.

[10] E/CN.4/Sub.2/2001/30.

[11] E/CN.4/Sub.2/2002/33.

[12] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38), para. 43.

[13] Ibid., para. 81.

[14] Ibid., para. 205.

[15] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), paras. 343 and 344.

[16] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38* (A/58/38), part I, paras. 363 and 364.

[17] Ibid., para. 414.

[18] Ibid., paras. 120 and 121.

[19] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 18 and corrigendum* (A/56/18 and Corr.1), para. 314.

[20] CCPR/CO/77/MLI, para. 18.